MYSORE ACT No. VIII OF 1878[1]

THE MYSORE COFFEE STEALING PREVENTION ACT, 1878.

An Act to prevent Thefts of Coffee.

Preamble. WHEREAS it is expedient to make special provision to prevent thefts of coffee, and to repress and punish the offence of receiving or disposing of stolen coffee in the neighbourhood of coffee plantations or estates; It is enacted as follows :—

Short title. **1.** This Act may be called The Mysore Coffee Stealing Prevention Act, 1878.

Commencement and local extent of Act. **2.** [2]This Act shall take effect in such districts, divisions or parts of districts, or within such localities or limits within the [3][State of Mysore except Bellary District,] and from such date as the [4][Government of Mysore] may from time to time direct by notification published in the official Gazette.

Power to modify or annul notification. The [4][Government of Mysore] may from time to time modify or cancel such direction by notification, similarly published.

Interpretation. **3.** In this Act.—

Labourer. "Labourer" means and includes all persons (except resident managers) temporarily or permanently employed on a coffee estate in any capacity, whether agricultural, menial or otherwise whosoever.

Carrier. "Carrier" means and includes all persons for the time being employed in the transport of coffee, whether by porterage, packanimals, boat, cart or otherwise, and whether as contractors, drivers or otherwise.

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1. This Act was extended to Mysore by the Governor-General in Council by Notification of the Government of India, Foreign Department, Judicial No. 130-I. J, dated the 19th June 1879, with certain modifications.

2. Under this section it was directed that the Act should take effect in the parts of the districts mentioned below, namely:—

Mysore District.—The taluks of Chamarajanagar, Gundlupet, Periyapatna, Heggaddevankote.

Hassan District.—The taluks of Arkalgud, Hole-Narsipur, Manjarabad, Belur, Hassan.

Kadur District.—The taluks of Mudgere, Koppa, Lakkavalli, Tarikere, Chikmagalur.

Shimoga District.—The taluks of Kavaledurga and Nagar.

Vide Notification by the Government of India, No. 242 I. J., dated the 3rd September 1879.

3. See the Mysore Adaptation of Laws Order 1956.

4. These words were substituted for the words "Governor in Council" by Notification No. 130-I. J., dated the 19th June 1878.

"Coffee estate" means and includes any land on which coffee is growing. Coffee estate.

"Coffee" means and includes all coffee not roasted or otherwise prepared for immediate consumption. Coffee.

4. It shall not be lawful for any one to purchase, take in barter or exchange, or receive coffee from any labourer employed on a coffee estate. Coffee not to be taken from labourers.

5. It shall not be lawful for any one to purchase, take in barter or exchange, or receive coffee from any person other than a labourer employed on a coffee estate, unless the person so purchasing, taking in barter or exchange, or receiving such coffee shall immediately thereupon enter or cause to be entered in a book to be kept by him for that purpose a true record of such transaction, specifying:— Coffee not to be taken from other than labourer, unless particulars entered in book.

(*a*) the name, residence and occupation of the person from whom such coffee was so purchased, taken in barter or exchange, or received;

(*b*) the date of the transaction; and

(*c*) the quantity and description of the coffee so purchased, taken in barter or exchange, or received:

Provided that this section shall not apply to coffee purchased, taken in barter or exchange, or received from any person other than a labourer employed on a coffee estate, and intended *bona fide* for consumption in the house or on the premises of the person purchasing, taking in barter or exchange, or receiving the same as aforesaid. Section not to apply to coffee taken for *bona fide* personal consumption.

6. All books required by section 5 to be kept by persons purchasing coffee shall be produced upon the requisition of any police officer not below the rank of an officer in charge of a police station, generally or specially authorized by any Magistrate to require the production of such books. Books to be produced on police officer's requisition.

7. It shall not be lawful for any one to purchase or take in barter or exchange coffee from any carrier, or for any carrier to sell or give in barter or exchange any coffee, unless the person so purchasing or taken in barter or exchange such coffee shall, besides making the entry required by section 5 of this Act, also enter or cause to be entered in the book mentioned in the said section 5 the marks (if any) on the bags or other packages in which such coffee may be contained, and unless the entries required by this section and by the said section 5 be also correctly Conditions under which coffee may be taken from a carrier.

signed by such carrier in his own name, and attested by a police officer or the headman of the village within which the transaction takes place; for which attestation no fee shall be chargeable.

Penalty for breach of sections 4,5, 6 or 7.

8. Any person committing any breach of the provisions contained in sections 4, 5, 6 or 7 of this Act shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees.

Penalty in case of labourer being found in possession of green coffee for which he cannot account.

9. Any cooly, maistry or other labourer employed on a coffee estate found with green gathered coffee in his possession, and failing to account satisfactorily for such possession, shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees.

Coffee not to be carried without permission of owner or agent.

10. No person shall carry or remove coffee from any coffee estate, premises or place, or upon any road, highway or footway, without the express permission of the owner or of his authorized agent.

Permission to be in writing.

Such permission shall be in writing, dated and signed by the said owner or his authorized agent, and shall contain the following particulars:—

(*a*) the quantity of the coffee to be carried or removed;

(*b*) the number, description and marks of the packages in which coffee is secured;

(*c*) the place or destination to which the coffee is to be carried or removed; and

(*d*) the names of the consigner and consignee.

Penalty for breach of this section.

Any person committing any breach of the provisions of this section shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees.

Hours of gathering or removing coffee.

11. No coffee shall be gathered, moved, loaded or unloaded on any coffee estate between sunset and sunrise.

Penalty for breach of above provision.

Any person committing a breach of this provision, or abetting (within the meaning of the Indian Penal Code) such breach, shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees:

Section 10 and this section not to apply to ordinary operations of curing.

Provided that nothing in section 10 or in this section shall apply to the ordinary operations of curing the crop on the estate, such as pulping or storing.

Procedure if gathering, etc., was done to commit theft.

12. If it shall appear that such gathering, moving, loading or unloading was for the purpose of committing a theft, the person or persons so engaged shall be liable to be charged with theft, or abetment of theft, and be proceeded against for such offence under the provisions of sections 378 and 379 or section 107, 108 and 109 of the Indian Penal Code, as the case may be.

Substituted or additional punishment for second offence under section 9.

13. It shall be at the discretion of the Magistrate, in the case of any persons, not being females, who shall be convicted of a second offence under section 9 of this Act, to substitute or add corporal punishment under the provisions of Act No. VI of 1864 (*An Act to authorise the punishment of whipping in certain cases*), or of any other law for the time being in force in that behalf for or to the penalties provided by this Act:

Proviso.

Provided that such substituted or additional punishment shall be awarded only in respect of the offence itself, and not as an alternative penalty for non-payment of fine.

Fines to be paid into public treasury.

14. All fines paid or levied under this Act shall be paid into the public treasury:

Magistrate may grant rewards to informers.

Provided that the magistrate trying any case under this Act may grant the whole or any portion of any fine levied therein as rewards to persons furnishing such information as may have led to the conviction of offenders under this Act.